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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,150	09/05/2000	Motoki Kobayashi	450101-02197	6966
20999	7590	03/10/2005		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER MANNING, JOHN	
			ART UNIT 2614	PAPER NUMBER

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/601,150

Applicant(s)

KOBAYASHI ET AL.

Examiner

John Manning

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation for the combination of Hatori, Oosterhout and Yeo is detailed in the pervious Final Rejection mailed 8/09/2004.

2. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 9-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatori et al. (US Pat No 5,977,974) in view of Oosterhout et al (US Pat No 6,405,371) and further in view of Yeo et al. (US Pat No 6,219,837).

In regard to claim 1 and 10, Hatori et al. discloses an apparatus and method of generating images, which are sequential and arranged spirally. The input means of the system is input/output interface for the file system. The input means is the "disk input/output (I/O) interface for the file system 508 to read and write from/to the harddisk 515. Note, the disk I/O interface (I/F) 514 may be configured so as to be connected to a floppy disk drive and/or to a CD-ROM drive" (Col 4, Lines 37-43). The images are generated such that the image at the second time point is larger than an image at the first time point. The system include image display means, display 302, for displaying the generated images. The image display means is a local process; therefore it is independent of the input data. "In FIG. 4, reference numeral 101 denotes a display window displayed on the display 302; 102, 103, 105a and 105b, data icons representing image data; and 104, a part of time axis rendered with curve, and called "spiral", hereinafter. On the spiral 104, data icons representing data which are sensed or generated at an earlier time than time assigned to the end point of the outermost curve

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of the spiral are arranged from the outside toward the inside of the spiral in descending order of time" (Col 5, Lines 18-26). Also, "the sizes of data icons representing respective data differ depending upon their displayed positions, and gradually decrease from the outermost wind to the inner winds of the spiral 104" (Col 5, Lines 56-60).

Hatori discloses user selection of the displayed items. "When a data icon representing a desired data item is found from data icons currently displayed, by double-clicking a mouse on the data icon on the display screen, a corresponding data file is opened in another window" (Col 19, Lines 40-43). The selection means is a local process; therefore it is independent of the input data. However, Hatori fails to explicitly disclose "focus setting means for setting a focus on an image positioned at an area surrounded by the same, among the plurality of images displayed" or providing image data from one of a plurality of image data sources. The Oosterhout et al. reference teaches means for setting focus on a particular displayed sub-image so as to clearly identify to the user the item to be selected. "In a step 303, the microprocessor receives cursor control commands from the remote control device and causes the graphics generator to display a cursor on screen. The cursor may take any convenient form. In FIG. 4, the cursor is shown as a framework around a selectable display item, such as a framework 45a around a sub-image or a framework 45b around an on-screen button. While moving the cursor across the sub-images on the mosaic screen with the cursor control keys (261 in FIG. 1), the receiver reproduces the audio signal of the associated television program" (Col 3, Lines 38-48). Also, "In a step 306, the control program determines which one of the selected display items is activated by the user. If a sub-image is activated, the

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television program associated therewith is selected for full-screen display" (Col 3, Lines 56-59). Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement the Hatori et al. system with means for setting focus on a particular displayed sub-image so as to clearly identify to the user the item to be selected.

Furthermore, Oosterhout teaches providing image data from one of a plurality of image data sources as can be see in Figure 2 so as to allow the user to navigate through television programs, where each channel is interpreted to be a image data source. The "microprocessor processes, in a step 307, the data which links the position of each sub-image in the mosaic signal MOS with the program number n of the associated television program TV-n, and applies the relevant program number to the demodulator and demultiplexer. The control program then returns to the step 301 to await a new EPG command" (Col 3, Lines 60-64). Consequently, it would have been obvious to one of ordinary skill in the art to implement the Hatori et al. system providing image data from one of a plurality of image data sources so as to allow the user to navigate through television programs. The combined teaching fails to explicitly disclose displaying a plurality of indexing images. The Yeo et al. reference teaches the use of indexing images or summary frames so as to provide quick hyperlinking to a past or future portion of the video. "These summary frames depict key scenes from the past which aid the viewer in quickly ascertaining the current plot or theme of the video program" (Col 3, Lines 28-31). Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement the combined teaching with the use of indexing images or

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summary frames so as to provide quick hyperlinking to a past or future portion of the video.

In regard to claim 2 and 11, with respect to Hatori, the images are generated such that the image at the first time point is earlier than an image at the second time point. "On the spiral 104, data icons representing data which are sensed or generated at an earlier time than time assigned to the end point of the outermost curve of the spiral are arranged from the outside toward the inside of the spiral in descending order of time" (Col 5, Lines 18-26).

In regard to claim 3 and 12, the Oosterhout et al. reference discloses the fading of sub-images so as to accentuate the non-faded sub-images. "In an advantageous embodiment, the sub-images representing the desired program are distinguished from the others by reducing the visibility of the other sub-images. In this embodiment, the microprocessor causes the brightness mask generator (30 in FIG. 1) to generate a brightness mask signal B which reduces the brightness of the displayed video signal in those screen areas where the sub-images of the non-desired television programs are displayed" (Col 4, Lines 21-28).

In regard to claim 4 and 13, the Oosterhout et al. reference discloses a frame of predetermined size responsive to the use input so as to indicate the user selection. "In a step 303, the microprocessor receives cursor control commands from the remote control device and causes the graphics generator to display a cursor on screen. The cursor may take any convenient form. In FIG. 4, the cursor is shown as a framework around a selectable display item, such as a framework 45a around a sub-image or a

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framework 45b around an on-screen button. While moving the cursor across the sub-images on the mosaic screen with the cursor control keys (261 in FIG. 1), the receiver reproduces the audio signal of the associated television program" (Col 3, Lines 38-48).

In regard to claims 5-6 and 14-15, the image data moves in both a radial and circumferential direction as defined by a spiral shown in Figure 4, Item 104. "In an advantageous embodiment, the sub-images representing the desired program are distinguished from the others by reducing the visibility of the other sub-images. In this embodiment, the microprocessor causes the brightness mask generator (30 in FIG. 1) to generate a brightness mask signal B which reduces the brightness of the displayed video signal in those screen areas where the sub-images of the non-desired television programs are displayed" (Col 4, Lines 21-28)

Claims 7 and 16 are met by that discussed above for claims 1 and 10.

In regard to claim 9 and 18, the Hatori et al. reference discloses information processing apparatus and method that displays image data in a spiral time axis. The reference fails to explicitly disclose the generation of a background image, which radially spreads from the center of the spiral. However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to implement the Hatori et al. system with generation of a background image, which radially spreads from the center of the spiral so as give perspective in order to give the appearance of depth.



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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 703-305-0345. The examiner can normally be reached on M-F: 8:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 571-272-7352. The fax phone number for the organization where this application or proceeding is assigned is 571-272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM  
March 5, 2005

  
**JOHN MILLER**  
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